

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FANG-YUH HSIEH,)	
)	
Plaintiffs,)	No. C06-5281 PJH (BZ)
)	
v.)	ORDER DENYING PLAINTIFF'S
)	MOTIONS FOR LEAVE TO REQUEST
R. JAMES NICHOLSON,)	ADDITIONAL INTERROGATORIES
)	AND TO ORDER DEFENDANTS TO
Defendants.)	PRODUCE WITNESSES FOR
<hr/>)	DEPOSITION, AND SANCTIONING
)	PLAINTIFF

I have reviewed plaintiff's motions for leave to request additional interrogatories and to order defendants to produce witnesses for depositions. Plaintiff's motions are improper for many reasons, and are therefore **DENIED**.

Plaintiff's motion to order defendants to produce witnesses for deposition is without merit and fails to comply with previous orders of this Court, the Federal Rules of Civil Procedure, and the Civil Local Rules. My December 5, 2006 Initial Discovery Order requires parties to "meet in person" and "participate in a telephone conference with the Court before filing any discovery motions or other papers." Plaintiff has not done either. Plaintiff's motion also fails

1 to certify that plaintiff has in good faith conferred or
2 attempted to confer with defendant in an effort to secure the
3 discovery without court action. See Fed. R. Civ. P.
4 37(a)(2)(A); Civ. Local R. 37-1. Nor is it clear that
5 plaintiff complied with Civil Local Rule 30-1 in scheduling
6 the requested depositions. Without meeting these
7 requirements, plaintiff's motion will not be entertained by
8 this Court.

9 Plaintiff's motion for leave to request additional
10 interrogatories is also deficient. It fails to comply with
11 Civil Local Rule 33-3, which requires that such motions "be
12 accompanied by a memorandum which sets forth each proposed
13 interrogatory and explains in detail why it is necessary to
14 propound the additional questions." Plaintiff has not
15 provided any explanation of why additional interrogatories are
16 needed, nor is the need for such interrogatories plainly
17 apparent to me.

18 Plaintiff has failed to comply with orders of this Court,
19 and has failed to comply with almost all Federal and Local
20 rules applicable to these motions. Proceeding in this manner
21 is disruptive and unacceptable. Plaintiff has been previously
22 cautioned to comply with all Federal and Local rules, and yet
23 continues in his unacceptable course of conduct.

24 For the above-stated reasons, **IT IS ORDERED** as follows:

25 1. Plaintiff's motion to order defendants to produce
26 witnesses for deposition is **DENIED**, without prejudice. If
27 plaintiff wishes to depose these witnesses, he must comply
28 with the Federal Rules of Civil Procedure and the Civil Local

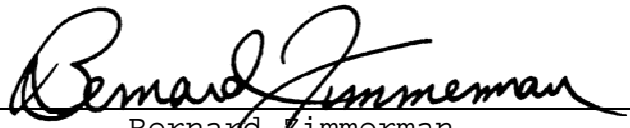
1 Rules in seeking to do so.

2 2. Plaintiff's motion for leave to request additional
3 interrogatories is **DENIED**, without prejudice. Plaintiff may
4 re-file such motion, but only if he provides an explanation of
5 why he need additional interrogatories, in accordance with
6 Civil Local Rule 33-3.

7 3. Plaintiff is **SANCTIONED** in the amount of **\$100**,
8 pursuant to Civil Local Rule 1-4 and Federal Rules of Civil
9 Procedure 16(f) and 37. Plaintiff shall pay \$100 to the Clerk
10 of the Court no later than **5:00 p.m. on Friday, July 13, 2007**.

11 4. Plaintiff is cautioned that any further failure to
12 comply with my orders, the Federal Rules of Civil Procedure,
13 or the Civil Local Rules, may result in further and more
14 severe sanctions.

15 Dated: June 25, 2007

16 
17 Bernard Zimmerman
United States Magistrate Judge

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